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BEFORE THE FEDERAL ELECTION COMMISSION

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In the Matter of)	
)	DISMISSAL AND
MUR 6764)	CASE CLOSURE UNDER THE
Lissa Squiers for Congress Campaign)	ENFORCEMENT PRIORITY
and Lissa Squiers as treasurer)	SYSTEM CELA
)	

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue. These criteria include, without limitation, an assessment of the following factors: (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), and developments of the law. It is the Commission's policy that pursuing relatively low-rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss cases under certain circumstances.

The Office of General Counsel has scored MUR 6764 as a low-rated matter and has determined that it should not be referred to the Alternative Dispute Resolution Office.¹ For the reasons set forth below, the Office of General Counsel recommends that the Commission dismiss the allegations that Lissa Squiers for Congress Campaign and Lissa Squiers in her official capacity as treasurer (collectively the "Committee") violated the Act and Commission regulations.

¹ The EPS rating information is as follows:
Response Filed: December 27, 2013.

Complaint Filed: December 4, 2013.

1 Complainant James Cargas ("Complainant"), who defeated Squiers in the July 29,
2 2012 Democratic primary run-off election for Texas's Seventh Congressional District, alleges
3 that the Committee failed to file its 2012 12-Day Pre-Primary Runoff Election Report.²
4 Compl. at 1-2. The Committee also allegedly failed to file financial disclosure reports for
5 nearly a year thereafter, including its 2012 Year-End Report; 2013 April Quarterly Report;
6 2013 July Quarterly Report; and 2013 October Quarterly Report. *Id.* at 1. Although the
7 Committee subsequently filed a report entitled "October Quarterly Report" on November 1,
8 2013 that covered a year's worth of campaign activity—from September 30, 2012 through
9 October 1, 2013—the Complainant states that the filing was untimely. *Id.* at 1-2. According
10 to the Complainant, the Committee has "demonstrated a pattern of election law violations" by
11 failing to timely and accurately file disclosure reports with the Commission," as required by
12 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(a). *Id.* at 2.

13 Squiers, who filed a Response on behalf of the Committee, acknowledges that she had
14 failed to file several reports after her 2012 campaign ended. Resp. at 1.³ Squiers explains that
15 she did not understand that her Committee was required to continue to file financial disclosure
16 reports even if there was no campaign activity to disclose, and states that she has requested

² The Complainant observes that the Committee apparently reported its activity for the time period at issue in its 2012 Quarterly Report, filed on October 25, 2012. *Id.* at 2.

³ It appears that Squiers had two campaign committees, one for her 2012 primary election campaign, which is the subject of the instant matter, and the other for her unsuccessful 2014 primary election campaign. Both committees were named "Lissa Squiers for Congress Campaign." Squiers' 2014 committee received termination approval on April 29, 2014.

1 that the Committee be terminated. *Id.*⁴ Squiers does not address the allegation that the
2 Committee failed to file a 2012 Pre-Primary Runoff Election Report. *Id.*

3 Pursuant to 52 U.S.C. § 30104(a), treasurers of political committees are required to
4 timely file disclosure reports with the Commission, including quarterly reports and pre- and
5 post-general election reports. Here, although Squiers acknowledges that the Committee did
6 not timely file financial disclosure reports following her loss in the 2012 primary runoff
7 election, the Committee's activity was eventually disclosed on its 2013 October Quarterly
8 Report. Moreover, the Committee is apparently inactive.

9 Accordingly, in light of the fact that the Committee is now inactive, has requested
10 termination, and has filed a disclosure report⁵ covering the activity at issue in the Complaint,
11 and in furtherance of the Commission's priorities, the Office of General Counsel recommends
12 that the Commission exercise its prosecutorial discretion and dismiss this matter pursuant to
13 *Heckler v. Chaney*, 470 U.S. 821 (1985). The Office of General Counsel also recommends
14 that the Commission approve the attached Factual and Legal Analysis and the appropriate
15 letters, and close the file.

16 **RECOMMENDATIONS**
17

- 18 1. Dismiss the allegation that Lissa Squiers for Congress Campaign and Lissa Squiers in
19 her official capacity as treasurer violated the Federal Election Campaign Act of 1971,
20 as amended, and Commission regulations;
21
22 2. Approve the attached Factual and Legal Analysis and the appropriate letters; and
23

⁴ Squiers filed several termination reports on behalf of the Committee, the last one of which was filed on April 24, 2014 and disclosed no campaign activity, including zero contributions, expenditures and cash on hand. The Committee failed to file its 2014 July Quarterly Report and has not filed any other financial disclosure reports to date.

⁵ We observe, however, that the 2013 October Quarterly Report improperly included activity from other reporting periods.

3. Close the file.


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Date

3/21/16

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